



Illinois Attorney General Kwame Raoul PRESS RELEASE

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ATTORNEY GENERAL RAOUL ANNOUNCES SETTLEMENT WITH DYNEGY MIDWEST GENERATION OVER COAL ASH POLLUTION

Consent Order Requires Dynegy to Remove and Relocate Coal Ash

Chicago – Attorney General Kwame Raoul today announced a consent order with Dynegy Midwest Generation LLC (Dynegy) that resolves a 2021 lawsuit Raoul’s office filed against Dynegy. The consent order requires the company to close three ponds located at the company’s now-shuttered Vermilion Power Station, and simultaneously Dynegy must remove an estimated 3 million cubic yards of dumped coal ash near the Middle Fork of the Vermilion River that was produced by operations at the site.

[The Attorney General’s office filed the consent order](#) with the Vermilion County Circuit Court to resolve Raoul’s lawsuit over Dynegy’s disposal of coal ash that allegedly led to groundwater pollution surrounding the power plant and created a public nuisance. The consent order was the result of lengthy, complex negotiations between the Attorney General’s office, Vermilion County State’s Attorney Jacqueline Lacy’s office, the Illinois Environmental Protection Agency, the Illinois Department of Natural Resources, Dynegy and Prairie Rivers Network, represented by EarthJustice.

“While the Vermilion Power Station was operating, Dynegy dumped coal ash generated during operations, which endangered the surrounding environment and the Vermilion River, our state’s only national scenic river,” Raoul said. “This consent order will result in cleanup of this natural area, and I appreciate Vermilion County State’s Attorney Lacy’s partnership on this important issue. I will continue to work with the Illinois Environmental Protection Agency to hold companies accountable when they violate our environmental laws.”

Vermilion County State’s Attorney Jacqueline Lacy’s office prosecuted the case with Raoul’s office.

“The Middle Fork is a popular location outdoor recreational activity, and has been designated as Illinois’ only National Scenic River under the Federal National Wild and Scenic Rivers Act,” said Vermilion County State’s Attorney Jacqueline M. Lacy. “The consent order signed by Judge O’Shaughnessy acts not only as a penalty, but also to ensure the safety of the Middle Fork for years to come.”

The Attorney General’s lawsuit was based on a referral by the Illinois Environmental Protection

Agency (IEPA).

“This consent order facilitates the responsible closure of the former Dynege Vermilion Power Station, and we thank the stakeholders involved for their work to achieve this important resolution,” said Illinois EPA Director John J. Kim. “Illinois EPA’s work on this issue will continue as we review Dynege’s proposed coal ash impoundment closure plans to ensure the protection of groundwater, public health, and our natural resources.”

The consent order also requires Dynege to comply with the statutory and regulatory framework governing coal combustion residual surface impoundments, to continue implementation of the Dewatering Plan and Groundwater Collection Trench Plan at the site, to complete a safety emergency response plan and continue ongoing riverbank inspections. The consent order also requires Dynege to pay a \$100,000 civil penalty and fund two beneficial environmental projects totaling \$400,000.

Dynege owns the property in Oakwood, Illinois where a coal-fired Vermilion Power Station operated until November 2011. Dynege’s operations involved burning coal to generate electricity, resulting in the generation of coal ash that Dynege dumped in human-made ponds at the site. Coal ash can contain a number of harmful byproducts that may adversely impact groundwater and the nearby Middle Fork of the Vermilion River, which is Illinois’ only national scenic river under the National Wild and Scenic Rivers Act. The river’s banks continue to steadily erode, and Raoul’s lawsuit alleged the proximity of the coal ash ponds in the flood plain further threatened the river’s well-being.

The Attorney General’s office enforces Illinois’ environmental protection laws. Attorney General Raoul’s Environmental Enforcement Division, which enforces civil environmental laws, has recovered millions of dollars from polluters and required companies to undertake environmental improvement projects in communities impacted by pollution. Raoul encourages residents to report environmental justice and other environmental concerns to his office by emailing ej@ilag.gov.

Bureau Chief Stephen Sylvester and Senior Assistant Attorney General Kathryn Pamerter handled the case for Raoul’s Environmental Enforcement Division.